

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.,

Plaintiff,

V.

C.A. No. 04-10353-PBS

VOICE SIGNAL TECHNOLOGIES, INC.,
LAURENCE S. GILLICK, ROBERT S.
ROTH, JONATHAN P. YAMRON, and
MANFRED G. GRABHERR,

Defendants.

**VOICE SIGNAL TECHNOLOGIES, INC.'S OPPOSITION TO SCANSOFT'S
PROPOSED NEUTRAL EXPERT PROCEDURE**

Voice Signal Technologies, Inc. (“Voice Signal”) submits this Opposition to ScanSoft’s Proposed Neutral Expert Procedure, filed on July 18, 2005. ScanSoft’s Motion is now moot. At the hearing held on July 18, 2005 in this case the Court established the procedures to be followed with respect to selection of a court appointed expert and the steps that are to be followed thereafter.

The direction provided by the Court is inconsistent with the procedure described in ScanSoft's proposal. For example, ScanSoft proposes that the parties produce source code and other technical documents to opposing counsel and experts for review prior to producing these materials to the neutral expert. See ScanSoft's Mot. at 3. This step would defeat the purpose of retaining a neutral expert. As the Court explained at the July 18 hearing, the neutral expert's task will include review the produced source code and determine whether a *prima facie* showing of trade secret misappropriation by Voice Signal or patent infringement by ScanSoft. The parties

are required to produce source code directly to opposing counsel and experts only if there is a substantial reason to believe that there has been a trade secret misappropriation by Voice Signal or infringement by ScanSoft.

The Court has set a further hearing in this matter for August 15, 2005 at which the parties and the Court can, if necessary, clarify the procedure for working with the neutral expert.

In sum, ScanSoft's Proposed Neutral Expert Procedure should be denied as moot.

Respectfully submitted,

VOICE SIGNAL TECHNOLOGIES, INC.

By its attorneys,

/s/ Wendy S. Plotkin

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